

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14996 of J.C. Associates, pursuant to 11 DCMR 3108.1, for a special exception under Section 508 to allow the office of an international organization, non-profit organization, labor union, architect, dentist, doctor, engineer, lawyer, or similar professional person for the proposed conversion of an existing rooming house into professional offices and a flat in an SP-1 District at premises 1523-25 - 16th Street, N.W., (Square 194, Lots 814 and 815).

HEARING DATE: April 16, 1989
DECISION DATE: May 3, 1989

FINDINGS OF FACT

1. The subject property is located on the east side of 16th Street between Q Street, N.W. to the north and Church Street, N.W. to the south. The property is known as premises 1523-1525 - 16th Street, N.W. The site is located in an SP-1 Zoning District and the 16th Street Historic District.

2. The site consists of two lots which are rectangular in shape and contain a total land area of approximately 4,845 square feet.

3. The site is bounded immediately to the north by a ten-foot public alley, to the south by 1521 - 16th Street, an historic structure containing office uses, and to the east by a lot containing a carriage house and parking.

4. The site is improved with two three-story masonry row buildings, each with an attic and basement. The building at 1523 - 16th Street, N.W. (Lot 814) was built in 1901; the building at 1525 - 16th Street, N.W. (Lot 815) was built in 1882. Both buildings have been used in the past as rooming and boarding houses. Both are vacant and in a substantial state of disrepair.

5. The area surrounding the site consists of a variety of uses including residences, offices, chanceries and hotels. From the historic district along 16th Street to Scott Circle, to Q Street, the surrounding uses include high-rise office buildings, townhouses converted to office

use, churches, condominiums, a hotel, medium-rise apartment buildings and some single-family row buildings converted to multi-family use. Abutting the site to the south is an office building housing the Remediation and Training Institute. To the north of the site (beyond the 10-foot public alley), there are apartments and a three-story brick building.

6. The SP-1 zoned area on 16th Street is intended to act as a buffer between the dense downtown commercial development to the south and medium density residential development to the north.

7. The applicant proposes to convert the two vacant buildings into a single building with its entrance at 1523 - 16th Street, N.W. The applicant proposes that the three upper floors of the building be used as offices for SP users, including international organizations, labor unions, architects, dentists, doctors, engineers, lawyers or other similar professional persons.

8. The applicant plans to convert the basement of the buildings into two "English-basement" type apartment units. The proposed residential use is allowed as a matter-of-right in the SP-1 zone district pursuant to Section 501.1 of the Zoning Regulations, hence it is not subject to review by the Board.

9. Although the two buildings will be converted into one structure, the facades of the buildings will appear to be two separate and unique buildings. The applicant will restore the exteriors of the two buildings to their original states and preserve their historic qualities which contribute to the 16th-Street Historic District.

10. The project will contain a total of 12,672 square feet of gross floor area. There will be 10,990 square feet devoted to office use and 1,682 square feet of residential space. The floor area ratio (FAR) of the project will be 2.6, with 2.26 devoted to office use and .34 to residential use.

11. Pursuant to Section 2100.5 of the Zoning Regulations, the applicant is not required to provide parking since the structure is located in an historic district and is certified as contributing to the character of the historic district. However, the applicant has entered into an agreement with Muzollo Parking to lease five off-site parking spaces at 1457 Church Street, N.W. This parking facility is within two blocks of the subject property. The parking spaces will be available to the residents and office tenants of the project.

12. The applicant's architect testified that 16th Street consists of a mixture of uses with structures that vary in height, bulk and design. There are offices and institutional buildings as well as 19th Century row houses and small-scale apartment houses, all of which provide a continuous rhythm to the street whose major characteristic is its linear expression.

13. The architect testified that 1523 - 16th Street, known as the Prince House, is a 45-foot tall Roman brick structure with a stone base. It has round bays and distinctive windows at the attic level with decorative garlands and wreaths.

14. The property at 1525 - 16th Street has three stories with an attic and ground floor. It is constructed of rusticated green stone with a two-story projecting angular bay.

15. The architect indicated that the interior of 1523 - 16th Street contains classical elements such as columned archways and is the more stately of the two structures. She indicated that they have been vandalized and are presently in a run down state. The proportions of the rooms, the high ceilings and some of the flooring, however, are of high quality and beauty.

16. The architect stated that the buildings lend themselves to the proposed mixed use. The office and residential functions are segregated with separate entries. The office use with a maximum of 40 employees, assures that the buildings will be occupied during the day while the residential use assures occupancy at night and on weekends. The combined uses provide for maximum security.

17. The architect testified that the use, height, bulk and design of the proposed project are in harmony with existing uses and structures on neighboring property. She further testified that the use is in harmony with the general purpose and intent of the SP-1 zone. There are a mixture of uses in this zoning district and the proposed project will have a mixed use.

18. The applicant's traffic consultant testified that he would anticipate having 25 to 30 employees arrive in the peak one-hour traffic flow. This would only generate three to four automobile trips because some will walk and others will use public transportation. Judging from studies done on locations nearby, on a typical day there are about five visitors for all purposes to such a building.

19. The traffic consultant further indicated that public transportation is accessible. The Dupont Circle

Metro Station is five blocks away which is about an eight to ten-minute walk. There are six bus routes which serve the area, five of those are on 16th Street. There is a crosstown route on P Street, the G-2 line, which operates to Howard and Georgetown Universities and passes the Dupont Circle Metro Station.

20. The traffic consultant noted that 16th Street is wide enough for four lanes and operates as three lanes in the peak hour with the curb lane restricted for bus use and right turns. Parking is permitted in the off-peak direction during daytime hours, and during non-rush hours parking is allowed on both sides of the street without regulation. Crosstown access is provided by P Street as well as Q and R Streets. The predominant parking regulation on these streets during non-rush hour is residential permit parking.

21. Traffic counts conducted by the D.C. Department of Transportation indicate that approximately 1,500 vehicles use 16th Street in the peak one-hour traffic flow, morning and evening. Traffic conditions are considered acceptable for this area of the city. The traffic consultants expressed the opinion that three or four added trips would not make a significant impact on traffic relative to the present load. Therefore, he concludes that the proposed use will not create dangerous or otherwise objectionable traffic conditions.

22. The Office of Planning (OP), by report dated April 19, 1989 and through testimony at the hearing, recommended denial of the application. OP pointed out that the two row houses were most recently used for residential purposes and that a conversion to office use would tilt the balance in favor of office use in the area. In OP's opinion, residential use should be continued to maintain an appropriate land use mix. The Office of Planning, therefore, recommends that the application be denied because the requested relief will not be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will adversely affect the use of properties within the subject area.

23. The Board finds that the Zoning Regulations do not set forth the appropriate land use mix in SP zones, nor are there guidelines for determining what percentage of commercial versus residential use is to be permitted. Therefore, the Board does not agree with the recommendation of the Office of Planning.

24. Advisory Neighborhood Commission (ANC) 2B, by report dated April 18, 1989, expressed opposition to the

application. The ANC based its opposition on the following factors:

- a. The number of tenants and the lack of parking will create objectionable traffic, congestion and parking problems in the area;
- b. the proposed use will adversely affect neighboring residential property on the alley and on Church Street;
- c. the conversion to commercial space would contribute to the imbalance of residential and non-residential uses on 16th Street by removing one of the few remaining residential buildings between N and O Street; and
- d. the proposed design would not provide for access by handicapped persons.

25. The ANC indicated that the public was concerned about the property being used for non-residential purposes while the Comprehensive Plan states that no commercial space should be added north of Massachusetts Avenue, and in light of the fact that there had been a 20% loss of residential property in the Dupont Circle area between the last two censuses.

26. The Board finds that although the applicant is not required to do so, the applicant will provide parking at a lot near the property. The Board also finds that the proposed project is consistent with other uses in the area and, therefore, will not adversely affect neighboring residential property. Further, the Board finds that the Regulations do not set forth the appropriate residential/commercial use balance. Therefore, the Board does not concur with the opinion of the ANC.

27. The Dupont Circle Citizens Association appeared at the hearing to express opposition to the application. The Association also based its opposition on the view that the proposed project will contribute to the imbalance in commercial over residential uses in the area.

28. The Dupont Circle Conservancy expressed opposition to the application because, in its opinion, the applicant has allowed the buildings to deteriorate and has based the special exception request on this factor. Also, the Conservancy feels that residential uses are as economically feasible as office uses and therefore should be encouraged because the area is losing too much residential space to commercial uses.

29. The Residential Action Coalition (RAC) expressed similar views of opposition. The RAC opposes the loss of residential housing to non-residential use, and states that conversion does not serve historic preservation.

30. The Board recognizes the concerns of the opponents but finds, however, that the applicant has not based the request for a special exception upon the deteriorated state of the subject property. The applicant has addressed the standards as set forth in the Zoning Regulations. Further, given the Zoning of the subject area, the applicant is entitled to use the property entirely for offices if the Board so approves. The applicant has, however, decided to include 25 percent residential use in the proposed project. Finally, the Board finds that the Comprehensive Plan does not supercede the Zoning Regulations which govern the decisions of the Board.

31. Two letters in support of the application were submitted into the record.

CONCLUSIONS OF LAW AND OPINION

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to allow the conversion of a vacant rooming house into professional offices and a flat in an SP-1 District. The granting of such a special exception requires a showing through substantial evidence that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 508 regulating office uses in SP Districts.

The Board concludes that the applicant has met the standards for granting the relief requested. The Board concludes that the applicant plans to renovate and combine the two row buildings to provide for residential units in the basement and office space on the upper levels.

The Board concludes that the property is located in an SP-1 zone which allows the proposed use upon Board approval. The Board further concludes that there have been a great number of conversions to office use in the subject area, while some residential uses have also remained. The Board further concludes that the site is located in an Historic District, and that the applicant will retain the structure's current size and outward appearance. The Board is, therefore, of the opinion that the proposed use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and that the use, height, bulk and

design of the structure are in harmony with existing structures on neighboring property.

The Board concludes that the project, which will contain a mix of office and residential uses, is compatible with the surrounding properties. The Board concludes that the presence of office employees during the day, and residents at night, will provide a means of security for the subject site and properties nearby. The Board concludes, therefore, that the special exception will not tend to affect adversely the use of neighboring property.

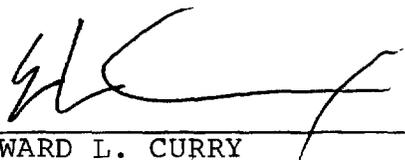
The Board concludes that the subject property is located on 16th Street, N.W. and is easily accessed by public transportation. The Board concludes that 16th Street is heavily travelled during peak hours but that the traffic generated by the proposed use will be minimal. The Board further concludes that the applicant will make available five parking spaces in a lot located near the site. Therefore, the Board is of the opinion that the use will not create dangerous or other objectionable traffic conditions.

The Board concludes that it has given the ANC the "great weight" to which it is entitled. Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the CONDITION that the applicant shall provide five off-street parking spaces for use by the tenants of the building at a nearby commercial parking facility.

VOTE: 3-0 (William F. McIntosh, Carrie L. Thornhill and Paula L. Jewell to grant; Charles R. Norris not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: OCT 20 1980

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25

(1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

14996order/BHS12

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 14996

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mail to all parties, dated OCT 20 1989, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

William B. Ingersoll
1401 - 16th Street, N.W.
Washington, D.C. 20036

Joan Fabry
2011 R Street, N.W.
Washington, D.C. 20009
Angela E. Vallot, Esquire
Jones, Day, Reavis & Pogue
1450 G Street, N.W.
Washington, D.C. 20005

Guido C. Fenzi
1824 - 16th Street, N.W.
Washington, D.C. 20036

Jack Evans, Chairperson
Advisory Neighborhood Commission 2-B
1526 Connecticut Avenue, N.W.
Washington, D. C. 20036

Phyllis H. Nelson
1613 Riggs Place, N.W.
Washington, D.C. 20009

Kathryn A. Eckles
1524 T Street, N.W.
Washington, D.C. 20009

A handwritten signature in black ink, appearing to read "E. L. Curry".

EDWARD L. CURRY
Executive Director

DATE: OCT 20 1989